

REMARKS

Claims 36-55 remain pending in this application. Of these, claims 36, 38, 42, 46, 48-52, 54 and 55 stand rejected over the prior art, and allowable claims 37, 39-41, 43-45, 47, and 53 stand objected to as depending from rejected base claims. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 36, 38, 42, 48-51, 54, and 55 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,688,222 (“Hluchy”). Applicant respectfully traverses this rejection, since Hluchy does not disclose each and every element recited in claims 36, 38, 42, 48-51, 54, and 55.

Although Hluchy does not disclose a flexible sheath having one or more skives on the inner surface thereof, independent claims 36 and 49 have been amended to instead require the flexible sheath to have one or more open channels formed in the inner surface thereof, so that the claim language more clearly reflects the common language terminology used for this particular feature. In contrast, the outer sheath 16 of the Hluchy device is not disclosed as having open channels formed in the inner surface thereof. In addition, although the Examiner has stated that the apertures 18 of the Hluchy device are configured to perfuse fluid in a substantially distal direction, such apertures 18 are not disclosed, expressly or inherently, as having the capability of perfusing fluid in a substantially distal direction. Instead, the apertures 18 appear to be oriented in a manner that perfuses fluid in a transverse or perpendicular direction, i.e., neither in a substantially proximal or distal direction.

For at least these reasons, Applicant submits that independent claims 36 and 49, as well as the claims depending therefrom (claims 38, 42, 48, 50, 51, 54, and 55), are not anticipated by Hluchy, and as such, respectfully requests that the §102(b) rejections of these claims be withdrawn.

Claim Rejections-35 U.S.C. §103

Claims 46 and 52 stand rejected under 35 U.S.C. §103 as being obvious over Hluchy in view of U.S. Patent No. 5,807,240 ("Muller"). Applicant respectfully traverses this rejection, since neither Hluchy nor Muller, alone or in combination, discloses, teaches, or suggests the subject matter of these claims. Specifically, none of these reference suggests that a sheath that houses a catheter can comprises one or more open channels formed on the inner surface thereof.

For at least this reason, Applicant submits that claims 46 and 52 are not obvious in view of any combination of Hluchy and Muller, and as such, respectfully requests that the §103 rejections of these claims be withdrawn.


Claim Objections

Claim 37, 39-41, 43-45, 47, and 53 stand objected to as depending upon a rejected base claim. Because it is believed that independent claims 36 and 49 from which these claims respectively depend are patentable over the cited prior art, claims 37, 39-41, 43-45, 47, and 53 should also be patentable over the cited prior art. As such, Applicants respectfully request withdrawal of the objections of these claims.

Conclusion

Based on the foregoing, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0606.

Respectfully submitted,



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